

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.9749 of 2022

Prasanta Kumar Sahoo & others ***Petitioners***
Mr.Arun Kumar Das, Advocate

-versus-

State of Odisha ***Opp. Party***
Mr.S.Mishra, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

16.08.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for both the parties and perused the records.
 3. The Petitioner No.1 is apprehending his arrest for the alleged commission of offence under Sections 498-A,294,323,307,506/34 of the Indian Penal Code in G.R.Case No.293 of 2022 arising out of Bhuban P.S.Case No..310 of 2022 of the Court of the learned J.M.F.C., Bhuban.
 4. Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the Petitioner No.1.
 5. However, on the submission of the learned counsel, the

Petitioner No.1 is given liberty to surrenders before the learned J.M.F.C., Bhuban in the aforesaid case in the first hour within 21 working days hence and moves for bail. On such event, the learned Magistrate shall consider his application for bail in the first hour strictly on the basis of the materials on record. In case of rejection of the bail application, the Petitioner No.1 may move for bail before the higher forum in the second hour. On such event, the higher forum shall consider and dispose of the bail application of the Petitioner No.1 on the same day strictly on the basis of the materials on record.

6. Case Diary be made available to the concerned courts. Records be transmitted to the higher forum at the cost of the Petitioner No.1, if applied for.

7. It is submitted by the learned counsel for the Petitioner Nos.2,3 & 4 that the Petitioner Nos.2,3 & 4 are the mother-in-law, father-in-law and the younger brother-in-law of the victim. It is also submitted by the learned counsel for the Petitioner Nos.2,3 & 4 that the allegations against the Petitioner Nos.2,3 & 4 are false, fabricated and omnibus in nature. He also submits there is no injury in the present case. The informant only to harass the Petitioner Nos.2,3 & 4, the present F.I.R. has been lodged against the Petitioner Nos.2,3 & 4.

8. Considering the nature of allegations made, gravity of the offence and the fact of the case, I am not inclined to grant anticipatory bail to the Petitioner Nos.2,3 & 4. However, it is directed that in the event the Petitioner Nos.2,3 & 4 surrender before the learned J.M.F.C., Bhuban in G.R.Case No.293 of 2022 arising out of Bhuban P.S. Case No.310 of 2022 pending in the Court of the learned J.M.F.C., Bhuban within a period of three weeks from today

and move for bail, they shall be released on bail on such terms and conditions as would be deemed just and proper by the learned Magistrate.

9. Accordingly, the ABLAPL is disposed of.
10. Issue urgent certified copy of the order as per Rules.

(A.K. Mohapatra)
Judge

RKS

